

REMARKS

The present amendment is submitted in response to the Office Action dated May 9, 2006. Filed herewith is a Petition to Withdraw the Holding of Abandonment.

Claims 1-15 are pending in this application.

In the Office Action, the oath, declaration, or application data was objected to as not complying with 37 CFR 1.63(c). Claim 5 was objected to for an informality. Claims 1-15 were rejected under 35 U.S.C. 102 on grounds the claimed invention is directed to non-statutory subject matter. Claims 1-15 were further rejected under 35 U.S.C. 101 on grounds the claimed invention is not supported by either a specific or substantial asserted utility for well established utility. Claims 1-15 were rejected further under 35 U.S.C. 112, first paragraph, as not being supported by either a specific or substantial asserted utility or well established utility for the reasons set forth above and that one skilled in the art would not know how to use the claimed invention. Claims 1-15 were further rejected under 35 U.S.C. 112, first paragraph, for lack of enablement and under Section 112, second paragraph, as being indefinite. Claims 1-15 stand rejected further under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,827,423 to Beasley. Claims 10-12 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley et al.

The Examiner has indicated that the applicant has not complied with the requirements of 37 CFR 1.63(c) since neither the declaration nor the application

data sheet does acknowledge the filing of any foreign application. A new declaration or application data sheet has been required. This is not understood.

Applicant submits herewith a copy of the Declaration as filed in connection with subject application in which the foreign priority application number and foreign priority application filing date is clearly set forth. Additionally the box for priority claim has been checked 'yes'. Accordingly, applicant respectfully traverses the requirement of the Examiner in this respect.

In this amendment, the claims have been amended extensively in an effort to address all of the issues raised under the rejections under 35 U.S.C. 101 and 112.

Regarding the substantive rejections of the claims, the Applicant respectfully submits that Beasley et al does not anticipate or make obvious the present invention as defined in claims 1-15. Specifically, Beasley et al teach a computer integrated manufacturing system including a plurality of levels of computer control which organize and disseminate the information for controlling shop floor level systems.

The system of the Beasley references does disclose a control system, real-time data access to facilities, company-wide networked data connections, interfaces and further usual devices, but this is not the claimed subject matter of the present application.

Beasley discloses computer systems which communicate with one another only; no standardization or abstraction process is disclosed. On the other hand, the present application discloses the standardization of the base

elements by reduction into the uniformly structural formation with the claimed four elements as the least common multiple.

The Examiner cites Beasley, column 10, lines 26-39, with regard to claim 9. Beasley describes there that a scheduling system which interfaces with a material requirement planning system manages the manufacturing capabilities, machines, people and material to meet the goals of the business and strategic plans of the company. The result is a master schedule which matches machine capacity over a long period.

This example provided by the Examiner shows clearly that Beasley must use a plurality of different management software applications to control the complex production-process of a plant. These different management software applications must communicate with each other. This larger number of different management software applications requires a great deal for administration. The great effort is necessary in all levels of the hierarchical computer system taught by Beasley.

For planning and controlling the production, Beasley requires data, such as manufacturing capacities, machines, people and material. But Beasley does not recognize the task and possibility of minimizing the great effort of controlling the goods production process/goods management process in a way that the base elements are reduced and standardized by uniformly structural formation into the four elements and lead them back to the address, the articles, the conditions, and the process, as defined in amended claim 1.

With this reduction, it is possible to realize the ability to integrate the base element into the total system of the electronic data processing system for operations management. An important increase in efficiency is achieved, which results in a greater profit for the business and developer of the relevant software.

Beasley fails to disclose these features of claim 1. Therefore, claim 1 is not anticipated by this reference. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984).

In addition, the claims cannot be viewed as obvious over the Beasley reference, since Beasley fails to suggest the above features of claim 1. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. ***In re Mills***, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

For the reasons set forth above, the Applicant respectfully submits that claims 1-15 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is written over the printed name.

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